



THE COUNCIL OF ORGANIZATIONAL REPRESENTATIVES  
ON NATIONAL ISSUES CONCERNING PEOPLE WHO ARE DEAF OR HARD OF HEARING

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June 17, 1997

The Honorable Reed Hundt  
Chairman  
Federal Communications Commission  
1919 M Street, N.W.  
Washington, D.C. 20554

Dear Chairman Hundt:

On May 13 and 14 of this year, the Senate and House, respectively, reauthorized and enacted amendments to the Individuals with Disabilities Education Act (IDEA), based on a consensus agreement of disability organizations, educators, legislative representatives, and the Administration. On June 4, 1997, President Clinton signed this legislation into law. We wish now to bring your attention to changes contained in the new legislation which concern matters addressed in the FCC's proceeding on the accessibility of video programming, MM Docket No. 95-176.

As you are aware, in the past, the U.S. Department of Education, under IDEA, has contributed significant funds to make television programming accessible through closed captioning, and to a lesser extent, through video description. The newly amended legislation restricts such funding to educational, news, and informational programming after Fiscal Year (FY) 2001. Specifically, section 687(c) of the new IDEA legislation states:

**Educational Media Services; Authorized Activities:**

In carrying out this section, the Secretary shall support

(2) providing video description, open captioning, or closed captioning of television programs, videos, or educational materials through September 30, 2001; and after fiscal year 2001, providing video description, open captioning, or closed captioning of educational, news, and informational television, videos, or materials.

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As newly drafted, after FY 2001, funding for accessible television may cease for cultural and entertainment programming which may not fall under the rubric of educational, news or information. In the past, such cultural programming, when captioned, has provided exposure to critical information that has enabled deaf and hard of hearing Americans to participate in the mainstream of our society. The effect of the new amendment may be to leave the most popular programming, that which most Americans dedicate the majority of their viewing hours to, without the essential and long-provided support of the federal government. Indeed, without a broad definition of "educational, news, and information," the vast majority of syndicated, sports, cable and prime-time programs may be without the safety net heretofore provided through federal funds.

We bring the new language to the attention of the Commission in the interest of ensuring that the responsibility for captioning is truly shifted to the private sector, and does not drop off significantly after FY 2001. As the Commission develops its captioning rules under Section 713 of the Telecommunications Act, we ask that it take whatever measures are necessary to ensure the continued availability of access to cultural and entertainment programming that has been provided in the past. Put simply, the Commission's actions should ensure that captioning continues in a seamless fashion after 2001, notwithstanding the cessation of federal funds at that time.

Additionally, we wish to bring to your attention the fact that the new IDEA amendments apply to both captioning and video description, despite the fact that Congress mandated the provision of closed captioning in the Telecommunications Act, but only required the FCC to examine appropriate methods and schedules for phasing video description into the marketplace. The withdrawal of federal support for access to cultural and entertainment programming through video description will significantly and adversely affect blind and visually impaired persons because, unlike the requirement to regulate with respect to captioning, there are no safeguards by the FCC to increase the availability of description. Insofar as Congress has decided to treat captioning and video description equally under the IDEA, we strongly urge the FCC to follow suit.

We thank you for your leadership in making video programming accessible to all Americans. We stand ready to assist the FCC in whatever ways we can to achieve this goal.

cc: Meredith Jones  
Marcia Glauberman

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American Academy of Audiology

American Deafness and Rehabilitation Association  
American Society for Deaf Children  
The Caption Center  
Convention of American Instructors of the Deaf  
League for the Hard of Hearing  
National Association of the Deaf  
Registry of Interpreters for the Deaf  
Telecommunications of the Deaf, Inc.

- **Consumer Action Network:**

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